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UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK

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In re:	: Chapter 11 Case Nos.
	: 98-B-47996 (REG)
	: 98-B-47997 (REG)
URBAN COMMUNICATORS PCS LIMITED	: 98-B-10086 (REG)
PARTNERSHIP, <u>et al.</u> ,	:
	: Jointly Administered
Debtors.	:
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**GABRIEL CAPITAL L.P.'S DESIGNATION OF RECORD  
 AND STATEMENT OF ISSUE ON APPEAL**

Gabriel Capital L.P. ("**Gabriel**"), pursuant to Federal Rule of Bankruptcy Procedure 8006, hereby submits this statement of issues on appeal and designation of items to be included in the record on appeal from the *Decision and Order on Gabriel Entitlement to Post-Petition Interest* (the "**Order**") entered in the above-captioned chapter 11 cases on December 11, 2007.

**Statement of Issue on Appeal**

Having ruled that Gabriel is a secured creditor of chapter 11 debtor Urban Comm-North Carolina, Inc. ("**UC-NC**") and therefore entitled to receive post-petition interest pursuant to 11 U.S.C. § 506(b), did the Bankruptcy Court err by concluding that it had discretion to reduce the amount of interest to which Gabriel is entitled under its contract to an extent that not only

renders UC-NC solvent and permits it to pay all of its junior creditors in full but also provides a large distribution for its shareholder.

**Designation of Items for Record on Appeal**

<b>Date</b>	<b>Docket No.</b>	<b>Document Description</b>
10/22/2004	248	Application for Order Shortening Time Period for Notice Under Rule 9006(c)(1) of the Federal Rules of Bankruptcy Procedure
10/25/2004	250	Order signed on 10/25/2004 Scheduling a Hearing to Approve and Authorize the Terms and Conditions of Proposed Stock Purchase Agreement.
10/26/2004	251	Application for an Order Approving, Inter Alia, Terms and Conditions of a Proposed Stock Purchase Agreement, Break-Up Fee, Non-Solicitation Covenant, Good Faith Deposit Terms and Conditions and Termination Fee Terms and Conditions
11/15/2004	259	Statement Reserving Rights of Gabriel Capital L.P. Respecting Debtors' Application for an Order: Approving, Inter Alia, Terms and Conditions of a Proposed Stock Purchase Agreement, Break-Up Fee, Non-Solicitation Covenant, Good Faith Deposit Terms and Conditions and Termination Fee Terms and Conditions
11/30/2004	264	Substitute Agreements and Exhibits
12/01/2004	265	Order Granting Motion Approving Terms and Conditions of a Proposed Stock Purchase Agreement, Break-Up Fee, Non-Solicitation Covenant, Good Faith Deposit Terms and Conditions and Termination Fee Terms and Conditions
12/30/2004	273	Notice of Hearing on Motion for Order Authorizing and Approving the Sale of Certain Assigned and Disaggregated PCS Licenses Pursuant to the Terms and Conditions of an Agreement to Purchase FCC Licenses Free and Clear of Liens and Encumbrances
12/30/2004	274	Application for an Order Authorizing and Approving the Sale of Certain Assigned and Disaggregated PCS Licenses Pursuant to the Terms and Conditions of an Agreement to Purchase FCC Licenses, Free and Clear of Liens and Encumbrances
01/19/2005	281	Response and Limited Objection of Gabriel Capital L.P. to Application for an Order Authorizing and Approving the Sale of

Certain Assigned and Disaggregated PCS Licenses Pursuant to the Terms and Conditions of an Agreement to Purchase FCC Licenses, Free and Clear of Liens and Encumbrances

03/14/2005	285	Application for Order Shortening Time Period for Notice Under Rule 9006(c)(1) of the Federal Rules of Bankruptcy Procedure
03/15/2005	286	Application for an Order Pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure Authorizing and Approving the Terms and Conditions of Debtors' Proposed Settlement Agreement with the Federal Communications Commission
03/15/2005	288	Amended Exhibit A to Application for an Order Pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure Authorizing and Approving the Terms and Conditions of Debtors' Proposed Settlement Agreement with the Federal Communications Commission
03/17/2005	291, 292	Motion to Compel Payment of Cash Collateral by Gabriel Capital L.P.
03/22/2005	293	Supplementary Exhibits in Support of Motion of Gabriel Capital L.P. to Compel Payment of Cash Collateral
03/22/2005	294	Opposition to the Motion of Gabriel Capital L.P. to Compel Payment Pursuant to 11 U.S.C. Sections 362(d) and 363(e) of the Bankruptcy Code
03/22/2005	295	Response to Motion To Compel Payment of Cash Collateral
03/23/2005	296	Objection to Motion of Debtor's Application for an Order Authorizing and Approving the Terms and Conditions of Debtors' Proposed Settlement Agreement with the Federal Communications Commission
03/23/2005	300	Reply of Gabriel Capital L.P. in Further Support of its Motion to Compel Payment of Cash Collateral Pursuant to 11 U.S.C. 362(d) and 363(e)
03/23/2005	301	Objection to Claim of Gabriel Capital, L.P.
03/24/2005	302	Order signed on 3/24/2005 Authorizing and Approving the Sale of Certain PCS Licenses to Cellco Partnership d/b/a Verizon Wireless, Free and Clear of Liens and Encumbrances.
04/04/2005	303	Order signed on 4/4/2005 Authorizing and Approving the Terms and Conditions of Debtors' Proposed Settlement Agreement with the Federal Communications Commission.

04/04/2005	304	Order signed on 4/4/2005 Scheduling a Hearing and Providing Related Procedural Relief with Respect to Hearing on the Allowance of the Claims of Gabriel Capital L.P.
04/04/2005	305	Memorandum of Law in Support of the Undersecured/Unsecured Status of the Claim of Gabriel Capital, L.P.
04/04/2005	306	Memorandum of Law of Gabriel Capital L.P. in Support of Allowance of its Secured Claims with Postpetition Interest Computed at the Default Rate Specified in the Underlying Loan Documents, and in Further Support of its Motion to Compel Payment of Cash Collateral Pursuant to 11 U.S.C. 362(d) and 363(e)
04/04/2005	307, 308, 309, 310	Declaration of Michelle L. Fivel in Support of the Memorandum of Law of Gabriel Capital L.P. in Support of Allowance of its Secured Claims with Postpetition Interest Computed at the Default Rate Specified in the Underlying Loan Documents, and in Further Support of its Motion to Compel Payment of Cash Collateral Pursuant to 11 U.S.C. 362(d) and 363(e)
04/05/2005	311	Supplemental Declaration of Michelle L. Fivel in Support of the Memorandum of Law of Gabriel Capital L.P. in Support of Allowance of its Secured Claims with Postpetition Interest Computed at the Default Rate Specified in the Underlying Loan Documents, and in Further Support of its Motion to Compel Payment of Cash Collateral Pursuant to 11 U.S.C. 362(d) and 363(e)
04/05/2005	313	Notice of conventional filing of transcript hearing held on 3/24/2005 filed by The Clerk's Office, United States Bankruptcy Court SDNY.
04/07/2005	378	Transcript hearing held on 4/7/05
07/01/2005	327	Notice of Conventional filing hearing held on 4/7/2005.
08/12/2005	377	Transcript hearing held on 3/24/05
08/25/2005	329	Motion of SunCom Wireless, Inc. to Compel the Return of the Good Faith Deposit Pursuant to Section 105 of the Bankruptcy Code and the Interim Relief Order
9/14/2005	334	Opposition of Urban Communicators PCS Limited Partnership, et al., to Motion of SunCom Wireless, Inc. to Compel the Return of Good Faith Deposit

10/04/2005	338	So Ordered Stipulation signed on 10/4/2005 by and between Attorney for the Debtors and Debtors-in-Possession and Attorneys for SunCom Wireless, Inc. f/k/a Triton PCS, Inc. Re: Authorizing the Return of the Good Faith Deposit to SunCom Wireless, Inc. and Resolving All Remaining Claims Between the Debtors and SunCom Wireless, Inc.
10/21/2005	340	Supplemental Memorandum of Law in Support of the Undersecured/Unsecured Status of Claim of Gabriel Capital L.P.
11/07/2005	344	Memorandum of Law of Gabriel Capital L.P. in Reply to Debtors' Supplemental Memorandum of Law
11/08/2005	356	Notice of Conventional Filing of Transcript hearing held on 10/6/05
12/22/2005	357	Notice of Presentment of Stipulation and Order Authorizing Use of Collateral and Providing Adequate Protection
12/22/2005	358	Stipulation and Order Authorizing Use of Collateral and Providing Adequate Protection
12/28/2005	360	So Ordered Stipulation signed on 12/28/2005 by and between Attorneys for Gabriel Capital L.P. and Attorneys for Urban Communicators PCS Limited Partnership, Urban Comm-Mid-Atlantic, Inc. and Urban Comm-North Carolina, Inc. Re: Authorizing of Collateral and Providing Adequate Protection
03/08/2006	364	Application for an Order: Approving, Inter Alia, Terms and Conditions of Agreement to Purchase FCC Licenses, Break-Up Fee and Non-Solicitation Covenant
03/08/2006	365	Application for Order Shortening Time Period for Notice Under Rule 9006(c)(1) of the Federal Rules of Bankruptcy Procedure
03/15/2006	373	Objection to Application for an Order Approving, Inter Alia, Terms and Conditions of Agreement to Purchase FCC Licenses, Break-Up Fee and Non-Solicitation Covenant
03/20/2006	374	Interim Order signed on 3/20/2006 Approving Terms and Conditions of Agreement to Purchase FCC Licenses, Break-Up Fee and Non-Solicitation Covenant
03/31/2006	380	Order Granting Motion Approving the Sale of Certain PCS Licenses to Cricket Licensee (Reauction) Inc. Free and Clear of Liens and Encumbrances
05/12/2006	384	Notice of Motion and Motion of Gabriel Capital L.P. to Enforce

## Cash Collateral Order and Obtain Related Relief

05/12/2006	385	Motion of Gabriel Capital L.P. to Enforce Cash Collateral Order and Obtain Related Relief
06/08/2006	386	Opposition of Urban-Comm North Carolina, Inc. to the Motion of Gabriel Capital L.P. to Enforce Cash Collateral Order and Obtain Related Relief
07/20/2006	390	Notice of Motion for Order Authorizing and Approving, Inter Alia, (A) the Sale of Certain Assigned and Disaggregated PCS Licenses Pursuant to the Terms and Conditions of an Agreement to Purchase FCC Licenses Free and Clear of Liens, Claims, Interests and Encumbrances; (B) The Break-Up Fee; (C) the Non-Solicitation Covenant; (D) Termination Fee, Terms and Conditions; and (E) the Terms and Conditions of the Escrow Agreement
07/20/2006	392	Application for an Order Authorizing and Approving, Inter Alia, (A) the Sale of Certain Assigned and Disaggregated PCS Licenses Pursuant to the Terms and Conditions of an Agreement to Purchase FCC Licenses, Free and Clear of Liens, Claims, Interests and Encumbrances; (B) the Break-Up Fee; (C) The Solicitation Covenant; (D) Termination Fee, Terms and Conditions; and (E) The Terms and Conditions of the Escrow Agreement
08/09/2006	397	Order Authorizing and Approving, Inter Alia, (A) the Sale of Certain Assigned to Celco Partnership d/b/a Verizon Wireless Clear free and Clear of Liens, Claims, Interests and Encumbrances; (B) the Break-Up Fee; (C) The Non Solicitation Covenant; (D) Termination Fee, Terms and Conditions; and (E) The Terms and Conditions of the Escrow Agreement
03/30/2007	448	Renewed Motion of Gabriel Capital L.P. for Allowance of Post-Petition Contractual Interest on its Oversecured Claim
05/07/2007	453	Debtors' Opposition to Renewed Motion of Gabriel Capital L.P. for Allowance of Post-Petition Interest on Its Claim
05/09/2007	454	Reply in Further Support of Renewed Motion of Gabriel Capital L.P. for Allowance of Post-Petition Contractual Interest on its Oversecured Claim
05/24/2007	455	Order Granting Motion Authorizing the Terms and Conditions of the Proposed Amendment to the Settlement Agreement with The Federal Communications Commission
05/24/2007	456	Transcript Of Hearing Held On May 10, 2007 At 9:45 AM, Re: Motion To Allow: Renewed Motion Of Gabriel Capital L.P. For

Allowance Of Post-petition Contractual Interest On Its Oversecured Claim

11/06/2007	473	Reply in Support of Motion of Gabriel Capital L.P. for Order Converting Cases to Chapter 7 Pursuant to 11 U.S.C. Section 1112(b) and Bankruptcy Rule 1017
11/15/2007	488	Letter Regarding Claims for Gabriel Capital L.P.
11/15/2007	489	Endorsed Order signed on 11/15/2007 re: Letter Filed by Attorney for Gabriel.
12/03/2007	493	Letter Regarding Computation of Claims of Gabriel Capital L.P.
12/11/2007	496	Decision and Order signed on 12/11/2007 on Gabriel's Entitlement to Post-Petition Interest
12/18/2007	497	Notice of Appeal filed on behalf of Urban Communicators PCS Limited Partnership.
12/20/2007	499	Notice of Appeal filed on behalf of Gabriel Capital L.P.
12/28/2007	501	Designation of Contents (appellant) for Inclusion in Record on Appeal and Statement of Issues on Appeal filed by Charles E. Simpson on behalf of Urban Communicators PCS Limited Partnership.

Dated: December 31, 2007  
New York, New York

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